



Appeal Decision

Site visit made on 6 September 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2023

Appeal Ref: APP/L5240/W/23/3316048

16, Upper Flat, Elgin Road, Croydon CR0 6XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by A Dato of Marlpark 16 CR0 Ltd against the decision of the Council of London Borough of Croydon.
 - The application Ref 22/02547/FUL, dated 16 June 2022, was refused by notice dated 11 August 2022.
 - The development proposed is the addition of 2 dormer extensions to existing C4 HMO.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by the appellant against the London Borough of Croydon. This is subject to a separate decision.

Preliminary Matters

3. The address of the appeal site has been taken from the application form. It is acknowledged that the site is the upper flat of No 16 Elgin Road (No 16).
4. The name of applicant on the application form was C/O Agent. The appeal has been submitted by A Dato of Marlpark 16 CRO Ltd. The agent has confirmed that the applicant was A Dato. I therefore have considered the appeal on this basis and consider that no party has been prejudiced by this.

Main Issue

5. The main issue is the effect of the proposed dormers on the character and appearance of the host building and the surrounding area, including whether the proposed development would preserve or enhance the character or appearance of the East India Estate Conservation Area (EICA).

Reasons

6. As the appeal property lies within the EICA I am mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This sets out the need to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. The EICA is primarily a residential area which is characterised by its spatial quality and formal layout that includes a series of parallel roads creating a strong ladder pattern. There are a number of historic Victorian and Edwardian buildings with high architectural quality, which make positive contributions to

the special character of the EICA. Elgin Road holds the largest collection of buildings of historic and architectural significance within the EICA, many of which are locally listed.

8. The host building is locally listed and so is a non-designated heritage asset. It is an attractive 19th century, 3-storey, semi-detached property which has maintained its traditional design features and character. The EICA Appraisal and Management Plan Supplementary Planning Document (SPD) identifies the appeal building as one of six properties that are the most distinguished examples on Elgin Road with well-preserved original, architectural detailing, layout and setting. The appeal property therefore makes a positive contribution to the street scene and the special significance of this part of the EICA.
9. The dormers would be set slightly in from the edges of the hipped roof slopes and building elevation and not extend the full width of the side and rear elevations of the building. Nevertheless, they would be large and bulky, and occupy a significant part of both the side and rear hipped roof area. As a consequence, the dormers would dominate the original integrity of the roof. This would negatively alter the attractive, preserved traditional roof form of the building and so, the dormers would be incongruous to the character and appearance of the host building and surrounding area.
10. Whilst the proposed pitched hipped roof design of the dormers would be of a similar angle roof pitch as the main roof of the host building and matching materials are proposed, this would not notably reduce the overall scale, bulk, and presence of the dormers on the roof.
11. Several properties along Elgin Road have had alterations, including dormer roof extensions, although these are predominately on buildings of different design to the appeal property. No 18 Elgin Road, which is semi-detached to the appeal property and of the same design, has a small flat roof dormer on the side roof slope which does not appear overly prominent within the street scene, due to its small scale, design, and position on the roof. In comparison, the proposed side dormer would be larger in scale and massing and so would be prominent in the street scene from certain viewpoints. Due to this variance, the proposed dormer would also cause a distinct imbalance to the original architectural symmetry of the buildings.
12. It is acknowledged the rear dormer would not be visible from the street and, that the proposed side dormer would not appear prominent in the street scene from further away or from certain directions. However, the side dormer would be visible and prominent in front of the property from the street and would harm the traditional design of the host building. This would not accord with the guidance contained in the EICA SPD, which explains that roof extensions to buildings three and four stories in height will not generally be permitted and that, roof extensions to historic buildings visible from the street are likely to have a negative impact on the original design and unlikely to be permitted.
13. There are examples of other dormer roof extensions within the EICA, including those which have planning permission. Although I do not have full details of the circumstances relating to these examples, I noted during my site visit that those visible from the street scene are of a different context to the appeal property and the dormers proposed. The appeal property has a distinctive architectural character that is not the same as other examples highlighted. The examples provided of dormer roof extensions in other roads, including Clyde

Road, Ashburton Road, Outram Road, Havelock Road, Lower Addicombe Road and Canning Road and, also at 62 Elgin Road are some distance from the appeal property, and so do not influence the character and appearance of the host property and its immediate surroundings. Furthermore, I have determined this appeal on its individual merits based on all the evidence before me.

14. There are existing trees in the front garden of a property nearby in Elgin Road and at the rear of the appeal site, which may partly obscure views of the proposed dormers from certain directions. However, the proposed side dormer would still be visible in the street scene from viewpoints closer to the site. Furthermore, in respect of the visibility of both dormers, either from the street scene or properties at the rear, there is no guarantee the trees would remain in perpetuity, and they are deciduous trees and so would not provide the same level of screening all year round.
15. For the above reasons, I conclude the proposed dormers would be harmful to the character and appearance of the host property and surrounding area and would not preserve the character or appearance of the EICA. In this regard, the proposals would conflict with Policies SP4 and DM10 of the Croydon Local Plan (CLP) and Policies D3 and D4 of the London Plan (LP), which amongst other things, require development to be of high-quality design and respond positively to the character of an area. There would also be conflict with Policy DM18 of the CLP and Policy HC1 of the LP, the Croydon Conservation Area SPD and the EICA Appraisal and Management Plan SPD, which require development to preserve or enhance heritage assets, such as conservation areas and locally listed buildings.
16. Having regard to the National Planning Policy Framework and development plan policy, whilst the harm caused to the significance of the EICA would be less than substantial due to the relatively small scale of the proposed development, great weight is afforded to the conservation of this heritage asset, irrespective of the harm being less than substantial. No substantive evidence has been provided to demonstrate how the public benefits of providing the additional accommodation at the appeal property for young adults who are transitioning from care to independent living in the area, would have a significant positive impact on this type of rented accommodation in the borough. This public benefit therefore has limited weight and would not outweigh the harm caused to the significance of the EICA.

Other Matters

17. I can only consider the appeal proposal, as submitted. It is not for me to consider the potential of alternative schemes or whether the principle of any other form of dormer on the appeal property would be acceptable or not.
18. Concerns about the use of the appeal property are noted, but this has had no bearing on my decision, as it does not relate to the main issue.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

C Billings
INSPECTOR